

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BAXTER HEALTHCARE  
CORPORATION, et al.,

Plaintiffs,

v.

FRESENIUS MEDICAL CARE  
HOLDINGS, INC., et al.,

Defendant.

No. C 07-1359 PJH

**ORDER**

The court is in receipt of a chambers copy of the Second Revised Proposed Jury Instructions. According to the explanation on page 1, the Proposed Jury Instructions are attached as Exhibits A through F. However, the copy the court received includes only Exhibits A through D. In addition, Exhibit D, which is described as including a blind copy of Baxter and DEKA's Proposed Jury Instructions contains some instructions that are not blind, and also appears to include some of Fresenius' Proposed Instructions.

The parties are directed to provide the court with a corrected copy of the Second Revised Proposed Instructions, no later than 12:00 noon on June 24, 2010. In particular, at this point, the court is attempting to resolve the differences between the instructions that are disputed by the parties, and is unable to do so with the materials that have been submitted in conjunction with the parties' briefs on the issue. It would be extremely helpful

1 to the court if each side addressed, in the revised filing, each disputed instruction in the  
2 same order.

3  
4 **IT IS SO ORDERED.**

5 Dated: June 22, 2010



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PHYLLIS J. HAMILTON  
United States District Judge